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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,959

07/30/2002

Leon A. Lassovsky

LLB-10106/04

4899

7590

05/28/2004

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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

10/088,959

Applicant(s)

LASSOVSKY, LEON A.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 19 and 25-41 is/are allowed.
- 6) ☒ Claim(s) 20-24 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on February 9, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 6,206,548 (LASSOVSKY) has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Amendment***

2. Applicant's amendment filed on February 9, 2004 has been entered. Claim 18 has been amended. Claims 1-17 have been cancelled. Claims 25-41 have been added. Claims 18-41 are still pending in this application, with claims 18-20, 25, 33 and 41 being independent.

### ***Claim Objections***

3. Claim 38 is objected to because of the following informalities: it is dependent on canceled claim 9 (subject matter now presented in claim 33). The Examiner suggests amending claim 38 to depend from claim 33. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by BIEREND (U.S. Pat. 5,031,082).

BIEREND discloses an illumination system having:

- **a luminaire, Figure 1, reference number 72;**
- **the luminaire having at least one movable component, Figure 1, reference number 72;**
- **an adjustor drive, Figure 1, reference numbers 64 and 68;**
- **the adjustor drive being operable to move the movable component to a plurality of positions, column 6, lines 63-68;**
- **a remote control system, Figure 1, reference number 12;**
- **the remote control system controlling the adjustor drive, columns 4 and 5, lines 60-68 and 1-8, respectively;**
- **the remote control system including a central processing unit, column 3, lines 58-68; and**
- **the central processing unit being operable to control the adjustor drive, column 3, lines 58-68.**

5. Claims 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by CERCONE et al. (U.S. Pat. 6,517,216).

CERCONE et al. discloses an illumination system having:

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- **a luminair** , Figure 1, reference number 12;
- **the luminaire having at least one movable component**, column 1, lines 42-45;
- **an adjustor drive**, Figure 2, reference numbers 32 and 48;
- **the adjustor drive being operable to move the movable component to a plurality of positions**, column 2, lines 66-68;
- **the remote control system having a wireless control system** , Figure 5, reference number 72;
- **a dimmable ballast**, column 3, lines 1-3; and
- **the remote control system controlling the dimmable ballast**, column 3, lines 47-49.

6. Claims 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by KLEEMAN (U.S. Pat. 4,598,345).

KLEEMAN discloses an illumination system having:

- **a luminaire**, Figure 1, reference number 12;
- **the luminaire having at least one movable component**, column 1, lines 42-45;
- **an adjustor drive**, Figure 2, reference numbers 32 and 48;
- **the adjustor drive being operable to move the movable component to a plurality of positions**, column 2, lines 66-68; and
- **the remote control system having a wireless control system** , Figure 5, reference number 72.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over BIEREND (U.S. Pat. 5,031,082).

BIEREND discloses an illumination system having:

- **a luminaire**, Figure 1, reference number 72;
- **the luminaire having at least one movable component**, Figure 1, reference number 72;
- **an adjustor drive**, Figure 1, reference numbers 64 and 68;
- **the adjustor drive being operable to move the movable component to a plurality of positions**, column 6, lines 63-68;
- **a remote control system**, Figure 1, reference number 12;
- **the remote control system controlling the adjustor drive**, columns 4 and 5, lines 60-68 and 1-8, respectively;
- **the remote control system including a central processing unit**, column 3, lines 58-68;
- **the central processing unit being operable to control the adjustor drive**, column 3, lines 58-68; and
- **a dimmer**, column 5, lines 65-68.

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BIEREND discloses all the limitations of the claims, except:

- a photo sensor; and
- the photo sensor being in communications with the central processing unit.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add a photo sensor to the disclosed remotely controlled lighting system. Such photo sensor would enable the lighting system to automatically turn the lights on and off as required by ambient illumination levels. In addition, BIEREND discloses that the use of various types of sensing elements in combination with lighting systems is old and well known in the art (see column 1, lines 17-20).

#### ***Relevant Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Penney** (U.S. Pat. 929,627), **Winston** (U.S. Pat. 1,276,605), **Richardson** (U.S. Pat. 4,855,884), **Crowe et al.** (U.S. Pat. 5,003,441), and **Stevens** (U.S. Pat. 5,481,441) disclose various illumination devices having remotely controlled movable components.

***Allowable Subject Matter***

9. Claims 18, 19 and 25-41 are allowed.

10. The following is an examiner's statement of reasons for allowance:

Applicant teaches a luminaire having a housing, at least one bulb connector disposed inside the housing, and at least one adjustable reflector for reflecting light from a light bulb connected to the bulb connector. A remote control system is used to remotely control an adjuster drive, such drive being operable to adjust the position of the adjustable reflector.

No prior art was found neither disclosing individually nor teaching in combination all of the features of the applicants' invention, specifically the remotely controlled adjustable reflectors.

~~Romano (U.S. Pat. 4,872,098)~~ discloses a luminaire having a plurality of pivoted reflector sections surrounding a light source; a single operating lever controls the reflector sections. Romano fails to disclose, or even suggest, the rotatable reflector structure being remotely controlled, as claimed by the applicant.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



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**Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

  
Inr

May 21, 2004



THOMAS M. SEMBER  
PRIMARY EXAMINER